

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANCH BANKING AND TRUST COMPANY,)
Plaintiff,)
vs.)
SOSSAMAN & GUADALUPE PLAZA, LLC,)
et al.,)
Defendants.)

Case No. 2:12-cv-01775-GMN-PAL

ORDER

The court held a hearing on a series of motions filed by the Defendants on September 24, 2013. Jeremy Nork and Nicole Lovelock appeared on behalf of the Plaintiff. E. Kidd appeared on behalf of the Defendants. The following motions were addressed:

1. Defendants' Motion to Compel Responses to Written Discovery (Dkt. #35). The court has considered the Motion, Plaintiff's Opposition (Dkt. #39), Defendants' Reply (Dkt. #44) and the arguments of counsel at the hearing;
2. Defendants' Motion to Compel Responses to Defendant Yoel Iny's Second Set of Interrogatories and Defendant Sossaman & Guadalupe Plaza, LLC's Third Set of Requests for Production (Dkt. #38). The court has considered the Motion, Plaintiff's Opposition (Dkt. #45), Defendants' Reply (Dkt. #49), the parties' Stipulation (Dkt. #54), and Supplemental Briefs (Dkt. ##57, 58), as well as the arguments of counsel at the hearing; and
3. Defendants' Motion to Extend Discovery Deadlines (Fourth Request) (Dkt. #47). The court has considered the Motion, Plaintiff's Opposition (Dkt. #52), Defendants' Reply (Dkt. #60), and the arguments of counsel at the hearing.

Having reviewed and considered the voluminous moving and responsive papers and supporting

1 declarations and exhibits,

2 **IT IS ORDERED** that:


- 3 1. Defendants' Motion to Compel (Dkt. #35) is **GRANTED in part** and **DENIED in part**
4 as follows:
- 5 a. The motion is **GRANTED** to the extent that Plaintiff shall serve supplemental
6 responses to Defendants' First Set of Interrogatory Nos. 17 and 18.
- 7 b. Plaintiff shall serve supplemental responses to Defendants' First Set of Requests
8 for Production of Document Nos. 29, 30, 45, and 48.
- 9 c. The supplemental discovery responses shall be served no later than **October 8,**
10 **2013.**
- 11 d. The Motion is **DENIED** in all other respects.
- 12 2. Defendants' Motion to Compel (Dkt. #38) is **GRANTED in part** and **DENIED in part**
13 as follows:
- 14 a. The motion is **GRANTED** to the extent that Plaintiff shall serve supplemental
15 responses to Defendants' Second Set of Interrogatories, as to Interrogatory No. 5.
- 16 b. Plaintiff shall serve supplemental responses to Defendants' Third Set of Requests
17 for Production of Documents No. 14.
- 18 c. Plaintiff shall also produce the loss expense claim history reviewed by Brent
19 Hicks in preparation for his Rule 30(b)(6) deposition testimony, and the loss
20 share certificates Hicks testified was submitted to the FDIC for the property at
21 issue in this lawsuit.
- 22 d. The motion is **DENIED** in all other respects.
- 23 3. Defendants' Motion to Extend Discovery Deadlines (Dkt. #47) is **GRANTED in part**
24 and **DENIED in part** as follows:
- 25 a. The discovery cutoff is extended until **October 31, 2013**, for Defendants to
26 receive and review the supplemental discovery responses compelled in this order,
27 Receive non-party discovery pursuant to subpoena duces tecum served on the
28 FDIC, CBRE, and Partner Services Engineering and to complete the deposition

1 of the Butler Burger appraisal witness.

2 b. The Motion is **DENIED** to the extent it requests an open-ended 90-day extension
3 of the existing discovery plan and scheduling order deadlines.

4 4. In the event the district judge grants the Defendants' request to amend the Defendants'
5 answer to assert counterclaims, the parties shall have fourteen days from decision of the
6 order granting leave to amend in which to meet and confer and to submit a proposed
7 discovery plan and scheduling order limited to discovery of claims and affirmative
8 defenses to those counterclaims.

9 Dated this 24th day of September, 2013.

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12 Peggy A. Lee
United States Magistrate Judge
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